

## REMARKS

Claims 1, 2, 14, 15 and 25 stand rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,606,572 to Swirhun et al. (hereinafter “Swirhun et al.”). Claims 16-18 stand rejected under 35 USC 103(a) as being obvious over Swirhun et al. Applicant has amended independent claim 1 to more particularly define the present invention over the cited prior art.

More particularly, claim 1 as amended recites “a resonant cavity light emitting element integrated as part of said substrate for emitting light of a first wavelength range” and “**said absorbing layer realized from a bandgap material that absorbs light of a second wavelength range different from said first wavelength range while not absorbing light of said first wavelength range** (emphasis added).” Nowhere does the cited prior art teach or suggest these features.

In Swirhun et al., the undoped GaAs layer 45 operates to absorb a portion of the light emitted by the resonant cavity device. Col. 5, lines 50-63. In contrast, the absorbing layer of claim 1 is “realized from a bandgap material that **absorbs light of a second wavelength range different from said first wavelength range while not absorbing light of said first wavelength range.**” Importantly, the absorbing layer of claim 1 operates to absorb light at a different wavelength range relative to the light emitted by the device. See the graph of Figure 6 of the subject application. Such operations are not taught or suggest by Swirhun et al. In fact, Swirhun et al. teaches

away from such operations by providing a light absorbing layer that absorbs light within the same wavelength range as the light emitted by the device. For these reasons, Applicant respectfully submits that claim 1 as amended is patentable over the cited prior art.

The dependent claims are patentable over the cited prior art for those reasons advanced above with respect to claim 1 from which they respectively depend and for reciting additional features that are neither taught or suggested by the cited prior art.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay P. Sbrollini". The signature is fluid and cursive, with the first name "Jay" being prominent.

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